



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145)
CEPOA-CO-R-NF
3437 Airport Way, Suite 206
Fairbanks, Alaska 99709-4777

PUBLIC NOTICE DATE: January 16, 2007

EXPIRATION DATE: February 15, 2007

REFERENCE NUMBER: POA-2006-678-M

WATERWAY: Tanana River

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Milt Behr, Post Office Box 71938, Fairbanks, Alaska 99707.

LOCATION: The proposed project is located within section 28, T. 1 South, R. 2 West, Fairbanks Meridian; Latitude 64.8050° N., Longitude -147.9560° W., in Fairbanks, Alaska.

PURPOSE: The purpose of the proposed project is to develop access roads to two upland portions of Tax Lot 2808 for the development of two single family home sites and to develop an onsite gravel pit for the construction of the two access roads.

WORK: The applicant proposed to discharge approximately 5837 cubic yards of fill material into approximately 1.8 acres of wetlands for the construction of two access roads to upland portions of the parcel. The applicant also proposes to construct a one (1) acre gravel pit with a two (2) acre storage/work pad to place approximately 6600 cubic yards of silt overburden. All work would be completed in accordance with the attached plans, sheets 1-8, dated 01/09/2007.

ADDITIONAL INFORMATION: A permit, file number POA-2006-678-4, was issued to Mr. Behr on April 21, 2006 for the placement of fill material into three acres of wetlands, to construct a commercial gravel mining operation including a material pit, stockpiling area, vegetated berm, and driveway access from Chena Point Avenue. The permitted project is located in the northeast corner of Tax Lot 2808. One of the special conditions of this permit was to maintain a minimum buffer of 50 feet of existing vegetation at the southern end of the project boundary, to avoid impacts to an adjacent emergent wetland meadow. Both of the currently proposed driveways extend through the previously permitted stockpile pad.

Current Proposed Project:

Driveway 1: Driveway 1 would consist of the placement of fill material into approximately 0.39 acres of wetlands. This driveway would extend 550 feet from the existing fill area to the proposed gravel pit area. One 12" equalization pipe would

be installed at the north end of the driveway. Driveway 1 would cross a 50' buffer, which was a condition of the original permit, file number POA-2006-678-4.

Driveway 2: Driveway 2 would consist of the placement of fill material into approximately 1.39 acres of wetlands. This would extend 1780 feet to the west from the existing fill area to an upland portion of Tax Lot 2808. Three 20' x 50' (28' x 65' at toe) turnarounds would be constructed approximately 450 feet apart to assist dump trucks in constructing the driveway.

Gravel Pit Area: Approximately 6600 cubic yards of silt overburden would be placed into approximately two (2) acres of wetlands for the development of a stockpile and work area next to the gravel pit. Gravel would be excavated from the pit (approximately 1 acre and 20 feet deep) and used in the construction of the driveways. The applicant proposes to create a shallow shelf (1V:20H slope) along the length of the gravel pit. Organic overburden would be placed 2"-4" thick on this shallow shelf.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being

coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Benjamin Soiseth at (907) 474-2166 or by email at Benjamin.N.Soiseth@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for State Water Quality Certification is attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION

FOR

STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No POA 2006-678-M, Tanana River serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-6281
FAX: (907) 269-7508

Block 18- Nature of Activity

Extract gravel to build two driveways from existing permit (POA-2006-678-4) to two upland areas of these two 40 acre residential lots. An area 300 foot by 450 foot will be used for gravel extraction and to discharge 8 foot of silt overburden. A 500 foot driveway with a 16 foot surface will extend south from existing permit POA-2006-678-4 to fill area and gravel area. Fill for driveway will cross a 50 foot buffer area on Permit POA-2006-678-4.

On the west side of Permit POA-2006-678-4 a driveway 1780 long feet will be constructed to access a upland residential site. Three turnaround area will be built for the construction of the road at approximately 450 foot intervals.

Block 19- Proposed Project purpose

To access uplands to build houses on and to use gravel on site to construct proposed driveways. Driveways would in the future be widened and a residential subdivision built. Work would begin in April 2007 and would be completed in a 5 year period.

Block 20- Reason (s) For Discharge

To build driveways to residential upland areas and to discharge waste silt from gravel extraction area. In the gravel extraction area the fill area would be used to stockpile organics and gravel. Future use would be for residential.

Block 21- Type (s) of Material Being Discharged and the Amount of each Type in Cubic Yards

5330 cubic yards of gravel would be used to build driveways on 1.65 acres. 6600 yards silt overburden would be placed on 2 acre pad area around gravel extraction area.

Block 22- Surface Area of Wetlands or other Waters Filled

Driveway 2 is a 1780 foot driveway that would have 3 turnarounds for dumptrucks to turn around to back up to dump fill at approximately 450 feet apart. Turnarounds would be used in future for residential driveways. A dozer would be used to spread gravel. The surface area is fairly level with the elevation raising gradually from east (beginning of driveway) to west (upland area) about 4 or 5 feet. Equalization pipes will be installed if needed.

Driveway 1 is a 550 foot driveway that 50 foot would cross southern buffer zone of permit POA-206-678-4 and would extent south for 500 feet to gravel excavation area . The driveway would extend another 300 feet to upland area in the southeast corner of property. One equalization pipe would be installed at north end of driveway.

In the gravel pit area (300 ft.X450ft.) 8 ft. of silt overburden would be removed to access gravel. The silt would be removed by dozer, backhoe and loader. Gravel would be mined with a backhoe and moved to driveway area with loader and dumptrucks. Area where fill is placed would drain back to gravel pit.

Block 23- Is Any Portion of Work Already Completed?

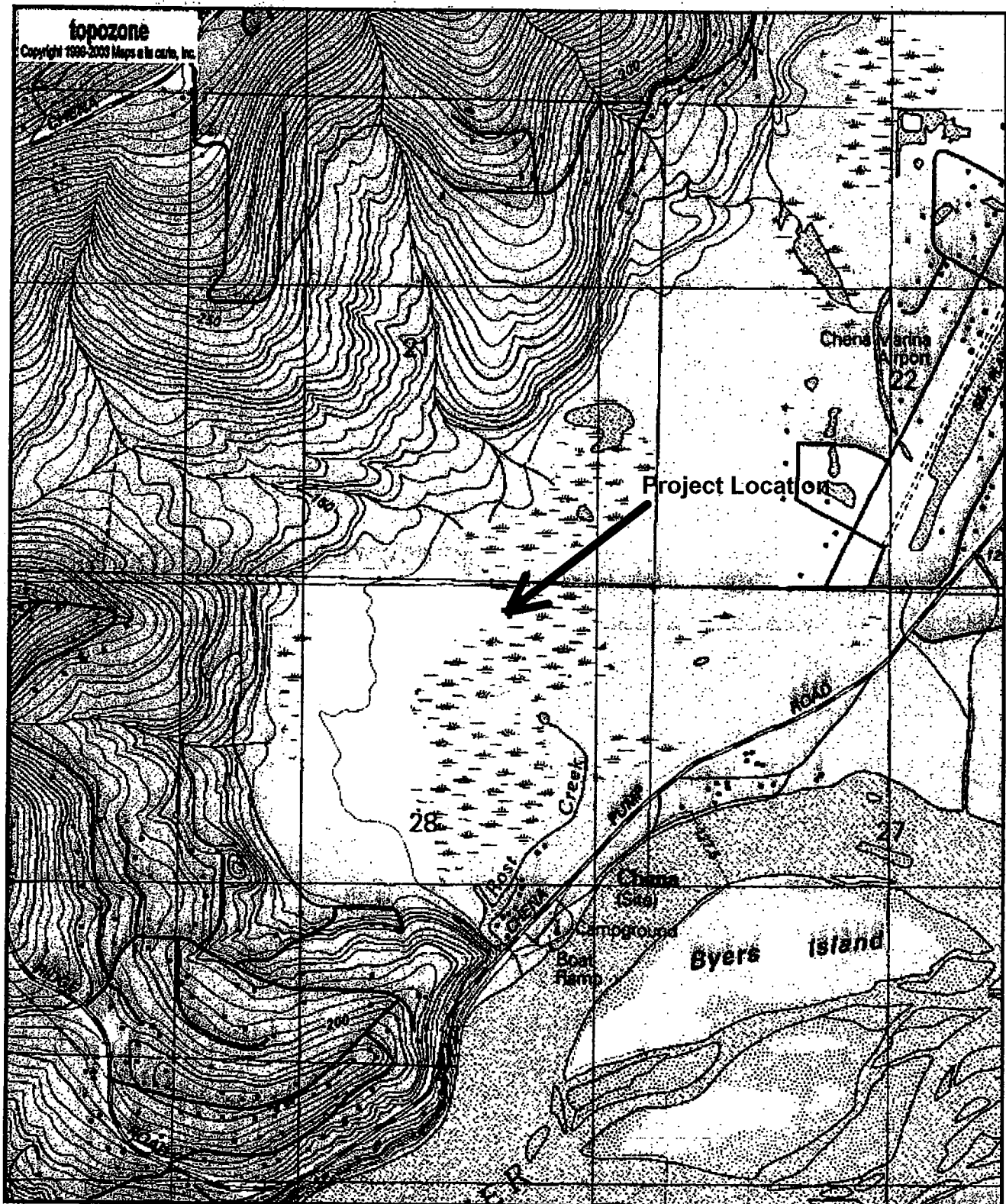
Yes, under Permit POA-206-678-4 a portion of the driveway area has been built up 2 to 3 feet and culvert install so all the area drains. The first 100 feet of driveway is built from Chena Point Road to work pad and an equalization pipe installed.

Project
Location



FAIRBANKS C-3

Project Location
POA-2006-678-M
01/09/2007
Sheet 3 of 8



0 0.3 0.6 0.9 1.2 1.5 km
0 0.2 0.4 0.6 0.8 1 mi

64.8050°N, 147.9560°W (NAD83/WGS84)
USGS Fairbanks D-2 SW (AK) Quadrangle
Projection is UTM Zone 6 NAD83 Datum

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Legend

- NWI Fairbanks C1,D1-3; Big Delta C6 Linears
- NWI Fairbanks C1,D1-3; Big Delta C6
- FNSB Roads
- FNSB water

Uplands = U

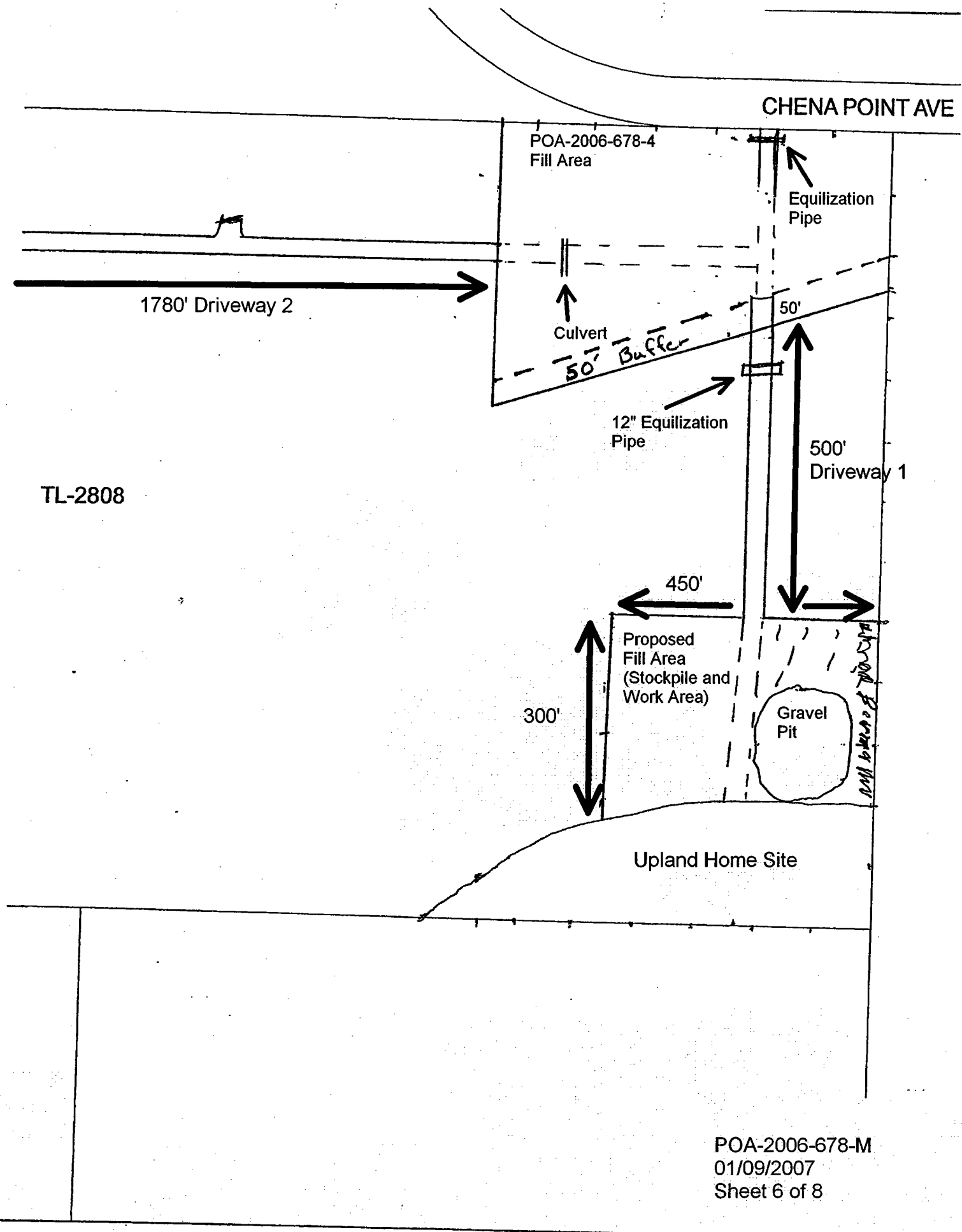
ArcGIS 9.0 Map
Compiled By:
Date:



1:6,360
1 inch equals 530 feet



Wetland Map
POA-2006-678-M
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Sheet 5 of 8



1

Upland
Home Site

1A

5

6

Turnarounds

20' (28' Toe)

50' (65' Toe)

Turnarounds

Blueberry Acres

PIT 1

Filled with silt & sand

